

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROOT BROTHERS FARMS,

Plaintiff,

MEMORANDUM & ORDER

21-cv-1962 (EK) (MMH)

-against-

BIG BIG PRODUCE, INC., YIU CHEUNG
CHAN a.k.a. PAUL Y. CHAN, MARGARET S.
CHAN-YAN, et al.

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Henry's Report and Recommendation (R&R) dated August 2, 2022. ECF No. 25. Judge Henry recommends that I grant in part and deny in part Plaintiff's motion for default judgment. Judge Henry recommends that I enter default judgment against Defendants, holding them jointly and severally liable for Plaintiff's claims; and award Plaintiff damages in the amount of \$69,058.50, plus pre-judgment interest through August 2, 2022 in the amount of \$11,464.34, plus additional pre-judgment interest from August 2 through the date of judgment at the rate of \$17.03 per day, plus post-judgment interest as set forth in 28 U.S.C. § 1961 to run from the date of judgment until the judgment is satisfied. *Id.* at 23-24. Judge Henry recommends that I deny Plaintiff's request for injunctive relief ordering the creation of a common trust.

Id. at 15. Neither party has filed objections and the time to do so has expired. Accordingly, I review Judge Henry's recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); *accord State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, Plaintiff's motion for default judgment is granted except as to Plaintiff's request for the creation of a common trust. Plaintiff is awarded \$69,058.50, plus pre-judgment interest and post-judgment interest as set out above. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: September 29, 2022
Brooklyn, New York